

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:	)	
MICHAEL J. COLELLO,	)	
<u>Debtor</u>	)	
	)	Bankruptcy No. 19-10094-TPA
SANTANDER CONSUMER USA INC.	)	
dba CHRYSLER CAPITAL,	)	Chapter 13
<u>Movant</u>	)	
	)	
v.	)	Related To Document No. 20 , 25
	)	
MICHAEL J. COLELLO,	)	
<u>Respondent(s)</u>	)	
	)	
RONDA J. WINNECOUR,	)	
<u>Trustee</u>	)	
	)	

**STIPULATION**

NOW COMES, Santander Consumer USA Inc dba Chrysler Capital (“Santander”), by and through its counsel, Morton & Craig LLC, and Michael J. Colello (“Debtor”) by and through his counsel David J. Graban, Esquire, and stipulate and agree as follows:

**RECITALS**

WHEREAS, the Debtor filed a voluntary petition for relief under Chapter 13 of Title 11, United States Code on February 3, 2019;

WHEREAS, Santander is the holder of a first purchase money security interest encumbering 2012 Dodge Ram 1500 bearing vehicle identification number 1C6RD7HT2CS128145 (the “Vehicle”);

WHEREAS, the Debtor filed a Chapter 13 Plan on February 3, 2019 in which the Debtor failed to provide for payment of Santander’s claim for the Vehicle;

WHEREAS, Santander filed a secured proof of claim on February 19, 2019 in the amount of \$24,005.72 with contract interest accruing at an annual rate of 17.60%;

WHEREAS, the Debtor and Santander have resolved the issues surrounding the Debtor's treatment of Santander's secured claim in the Chapter 13 Plan and seek to enter into this Stipulation to resolve said issues.

NOW THEREFORE, the Debtor and Santander hereby stipulate and agree as follows:

1. That the replacement value of the Vehicle is determined to be \$24,005.72 and Santander shall have an allowed secured claim in the amount of \$24,005.72 with annual interest to accrue at 7.5%, with any remainder of Santander's claim to be treated as an unsecured claim.
2. That any future Chapter 13 Plan filed by the Debtor shall incorporate the terms of this Stipulation as it relates to Santander's secured claim.
3. That Santander shall not release its lien on the Vehicle until the Debtor's Chapter 13 Plan has been fully completed and the Debtor receiving a discharge or until it has been paid the full amount to which it is entitled under applicable non-bankruptcy law, whichever occurs earlier. Upon payment in accordance with these terms and successful completion of the Chapter 13 Plan by the Debtor and the Debtor receiving a discharge, Santander shall release its lien on the Vehicle.
4. That this Stipulation shall become null and void, without further Order or Hearing, if the Debtor's underlying Chapter 13 Bankruptcy case is converted to a Chapter 7 case or if the underlying Chapter 13 Bankruptcy case is dismissed.

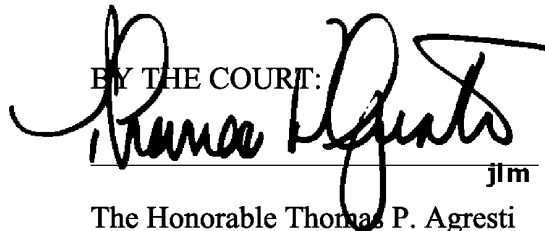
Consented To:

/s/ William E. Craig  
William E. Craig, Esquire  
PA ID# 92329  
Morton & Craig LLC  
110 Marter Avenue, Suite 301  
Moorestown, NJ 08057  
(856) 866-0100  
bcraig@mortoncraig.com  
Attorney for Creditor  
Santander Consumer USA Inc. dba Chrysler Capital

/s/ David J. Graban  
David J. Graban, Esquire  
PA ID# \_\_\_\_\_  
5569 East State Street  
Hermitage, PA 16148  
(724) 981-0620  
graban@verizon.net  
Attorney For Debtor

/s/ Jana S. Pail  
Jana S. Pail, Esquire  
PA ID# 88910  
600 Grant Street, Suite 3251  
Pittsburgh, PA 15219  
(412) 638-9009  
jpail@chapter13trusteewdpa.com  
Attorney for the Chapter 13 Trustee

AND NOW, this 5th day of April, 2019, upon consideration of the Stipulation entered into by counsel for Santander Consumer USA Inc and with the Debtor, it is hereby ORDERED, ADJUDGED and DECREED that the terms of the foregoing Stipulation are hereby approved in their entirety.

BY THE COURT:  
  
The Honorable Thomas P. Agresti

**Certificate of Notice Page 4 of 4**  
United States Bankruptcy Court  
Western District of Pennsylvania

In re:  
Michael J. Colello  
Debtor

Case No. 19-10094-TPA  
Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0315-1

User: mgut  
Form ID: pdf900

Page 1 of 1  
Total Noticed: 1

Date Rcvd: Apr 05, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 07, 2019.

db +Michael J. Colello, 3020 Maplewood Drive, Sharpsville, PA 16150-9252

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Apr 07, 2019

Signature: /s/Joseph Speetjens

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**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 5, 2019 at the address(es) listed below:

David J. Graban on behalf of Debtor Michael J. Colello graban@verizon.net  
James Warmbrodt on behalf of Creditor Quicken Loans Inc. bkgroup@kmlawgroup.com  
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov  
Ronda J. Winnecour cmecf@chapter13trusteedpa.com  
William E. Craig on behalf of Creditor Santander Consumer USA Inc., d/b/a Chrysler Capital  
ecfmail@mortoncraig.com, mhazlett@mortoncraig.com;mortoncraigecf@gmail.com

TOTAL: 5